

Remarks

Claims 1-4 and 6-50 are in the application, of which claims 1 and 33 are in independent form. Claim 5 is cancelled and claims 1, 2, 4, 6-9, 12-18, 24-30, 33-43, and 45-48 are amended.

The Examiner allowed claims 33-50 in the final Office action. Claims 33-43 and 45-48 are amended to recast the means-plus-function limitations to recitations of limitations to which the interpretation standard of 35 U.S.C. § 112, paragraph 6, does not apply; to correct perceived possible antecedent basis issues; and to remove possible ambiguities.

In the final Office action, the Examiner objected to claims 5, 6, and 16-23 as being dependent on rejected claim 1, but indicated that these claims would be allowable if rewritten in independent form. According to the Examiner's suggestion, claim 1 is amended to incorporate the allowable features of claim 5. Moreover, claims 1, 2, 4, 6-9, 12-18, and 24-30 are amended to recast the means-plus-function limitations to recitations of limitations to which the interpretation standard of 35 U.S.C. § 112, paragraph 6, does not apply; to correct perceived possible antecedent basis issues; and to remove possible ambiguities.

Entry of this Amendment is proper under 37 C.F.R. §1.116 since the amendment places the application in condition for allowance and does not raise any new issues requiring further search or consideration. Entry of this amendment is, therefore, respectfully requested.

The Specification

The specification is amended to correct a typographical error in the original application.

Interview Summaries

On October 30, 2009, applicant's attorney, Paul Angello, spoke with Examiner Klein about the possibility of submitting a declaration under 37 C.F.R. § 131. On March 10, 2010, applicant's attorney, Tyler Overall, spoke with Examiner Klein about incorporating the allowable subject matter of claim 5 into independent claim 1 and amending the claims to recast the means-plus-function limitations to recitation of

limitations to which the interpretation standards of 35 U.S.C. § 112, paragraph 6, do not apply.

Conclusion

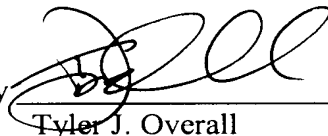
Applicant reserves its right to file a continuation application presenting claims directed to the subject matter of the independent claims before the amendments to them.

Applicant believes the application is in condition for allowance and respectfully requests the same.

The Commissioner is hereby authorized to charge any **additional** fees which may be required in connection with filing of this paper, or credit overpayment, to Deposit Account No. 19-4455.

Respectfully submitted,

Electro Scientific Industries, Inc.

By 
Tyler J. Overall
Registration No. 61,978

STOEL RIVES LLP
900 SW Fifth Avenue, Suite 2600
Portland, OR 97204-1268
Telephone: (503) 224-3380
Facsimile: (503) 220-2480